

**ORIGINAL**

Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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 FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In The Matter Of )

Amendment of Section 73.606 )

Table of Allotments )

Television Broadcast Stations )

(Portland, OR) )

MM Docket No. \_\_\_\_\_

RM No. \_\_\_\_\_

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Oregon Family Broadcasting Association ("OFBA"), by its counsel, hereby submits its petition for rule making for a change in the television table of allotments at Portland, OR, to substitute channel 58 for channel 30. OFBA proposes to amend Section 73.606 of the Commission's rules as follows:

	<b><u>Channel No.</u></b>	
<b><u>City</u></b>	<b><u>Present</u></b>	<b><u>Proposed</u></b>
Portland, OR	*30	*58

**I. Background**

1. OFBA is filing this petition for rule making pursuant to the Commission's Public Notice, 14 FCC Rcd 19559 (1999) ("Window Notice") announcing the opening of a window for the filing of, among other things, petitions for rule making seeking a new channel below channel 60 for applicants with pending applications for new full-service NTSC television stations on channels 60 – 69. OFBA is the sole applicant for Ch. 30 at Portland, OR (BPED960726KN). The Commission cannot go forward with that proposal because the Commission has allocated

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digital channel 30 to Portland. As a result, under the Window Notice, OFBA was afforded the opportunity to amend its pending petition for rule making to specify a new channel.

OFBA has identified NTSC channel 58 for an allotment to Portland, OR. The attached Engineering Statement of Pete E. Myrl Warren III of WES, Inc. shows that the proposed allotment meets the minimum distance separation requirements to any other NTSC stations and is free of interference to all Class A stations. Finally, the allocation does not cause any interference to any digital stations.

## **II. The Public Interest Compels Grant of This Petition**

OFBA seeks to change its proposal for a new allotment to Portland, OR, consistent with the Window Notice, so that an additional Educational service to a population of 1,952,441 persons can be made available to replace the Ch.30 educational allotment being displaced. Allotment of NTSC channel 58 will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient, and equitable distribution of television broadcast stations among the various states and communities. See *National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing goal of Communications Act to “secure the maximum benefits of radio to all the people of the United States”); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955)(describing goal of Section 307(b) to “secure local means of expression”). As with OFBA’s original proposal, a grant of this amendment would promote the second allotment priority set forth in the Sixth Report and order in Docket Nos. 8736 and 8975, 41 of Section 3.606 of the Commission’s Rules and Regulations, 41 FCC 148 (1952) (“Sixth Report and Order”), by providing a second educational allotment that is being displaced.

## **III. Conclusion**

Wherefore, Oregon Family Broadcasting Association respectfully requests that as proposed in this amendment, channel 58 be substituted for channel 30, the Commission initiate a rule making proceeding to amend Section 73.606 (b) of its rules, the television Table of Allotments to substitute an allotment for NTSC channel 58 for Portland, OR.

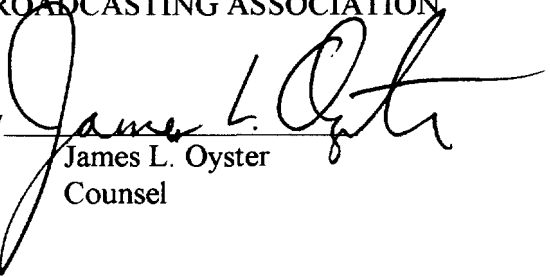
Respectfully submitted,

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July 17, 2000

OREGON FAMILY  
BROADCASTING ASSOCIATION

By   
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ENGINEERING EXHIBIT

PETITION TO MODIFY THE TABLE OF  
ALLOTMENTS TO SPECIFY A  
DISPLACEMENT CHANNEL TO  
SUBSTITUTE FOR PORTLAND, OR  
CHANNEL 30

July 14, 2000

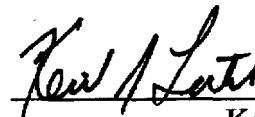
ENGINEERING STATEMENT

**Wes, Inc.**

**DECLARATION**

I, Keith J. Leitch declare and state that I am a Certified Broadcast Engineer, by the Society of Broadcast Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Oregon Family Broadcasting Association.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Keith J. Leitch

Executed on the 14th day of July, 2000

**Narrative Statement**

**I. GENERAL**

This engineering report has been prepared on behalf of Oregon Family Broadcasting Association in support of its request for a displacement channel (Channel 58 zero-offset) for its pending application for Channel 30 in Portland, OR (BPED960726KN)

**II. ENGINEERING DISCUSSION**

The applicant originally applied for a construction permit for channel 58 in Portland, OR. The applicant is precluded from going on channel 30 due to the assignment of digital Channel 30 in Portland to KPTV

The applicant proposes Portland, OR city-center coordinates:

North Latitude: 45° 31' 25"

West Longitude: 122° 40' 30"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 58 (734-740 MHz) for the NTSC television operation of Oregon Family Broadcasting Association. As demonstrated below, the proposed Channel 58 NTSC operation at Portland, OR, will not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines. As a maximum service facility, Portland, Oregon Channel 58 would provide additional service to a population of 1,952,441 people.

### Analog NTSC TV Allocation Situation

The attached Exhibit RM-2 demonstrates that Channel 58, Portland, Oregon **is free of any short-spacings to all NTSC stations.**

### Class A Situation

**The applicant does not cause any interference to any protected Class A Stations.** The applicant is free of all prohibited overlap to all protected Class A stations.

### DTV Allocation Situation

The attached exhibit RM-1 lists all U.S. digital stations within 429 km of the proposed channel 58 in Portland, Oregon. The applicant is fully spaced to all digital TV stations and allotments. The applicant does not cause any interference to any digital stations.

## **III. Summary**

The applicant must change channel from NTSC Channel 30 in Portland, Oregon to NTSC channel 58, because of digital channel 30 in Portland, Oregon. On channel 58, Portland is fully spaced to all NTSC and Digital TV stations and will not cause any interference to any Digital or protected Class A stations.

**Exhibit RM-1  
Portland, OR**

**July 14, 2000  
by WES, Inc. Broadcast Consultants**

Spacing study to Digital TV on channel 58

Study Location:  
Portland, OR Channel 58

NTSC Study Station, Transmitter Coordinates: 45-31-25 N 122-40-30 W

Study distance: 429 km

\*\*\*NTSC TO DTV STUDY RESULTS\*\*\*

City of License	ST	Chan	Bearing	Distance	Req. Dist	Diff.
Portland	OR	43	266.38	5.37	<24.1	18.73

Station is in the clear!



**Exhibit RM-2  
Portland, OR**

**July 14, 2000  
by WES, Inc. Broadcast Consultants**

Spacing study to NTSC TV on channel 58

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

Job title: Portland, OR

Latitude: 45 31 25

Channel: 58

Longitude: 122 40 30

Database file name: tv000117.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.
Result									

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\*\*\*\*\* End of channel 58 study \*\*\*\*\*